
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

LYNDAL D. RITTERBUSH ,
Petitioner,
v.
LARRY BENZON,
Respondent.

**MEMORANDUM DECISION & ORDER
DENYING CERTIFICATE OF
APPEALABILITY**

Case No. 2:17-CV-913 RJS

Chief District Judge Robert J. Shelby

Based on the Tenth Circuit’s limited remand, the Court considers whether to issue a certificate of appealability (COA) here. *See* R.11, Rs. Governing § 2254 Cases in the United States District Courts (“The district court must issue or deny a [COA] when it enters a final order adverse to the applicant.”).

When a habeas petition is denied on procedural grounds, as this one was, a petitioner is entitled to a COA only if he shows that “jurists of reason would find it debatable whether the district court was correct in its procedural ruling.” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000) (citing 28 U.S.C.S. § 2253 (2018)). Petitioner has not made this showing.

IT IS THEREFORE ORDERED that a COA is **DENIED**.

DATED this 16th day of May, 2019.

BY THE COURT:



CHIEF JUDGE ROBERT J. SHELBY
United States District Court